



MEMO

DATE: September 6, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle, Supervising Planner

SUBJECT: Marketing Accommodations as it relates to PLP16-0011  
(Farmstays, Hosted Rentals, Marketing  
Accommodations in Agricultural Zones)

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On July 12<sup>th</sup> the Planning Commission held a public hearing and took straw votes on issues related to overnight accommodations on agricultural land. The Commission provided the following direction to staff which is reflected in the attached resolution and Board of Supervisors ordinance.

1. **Agricultural Farmstays:** Approved the recommended language on farmstays with two exceptions:
  - a. Retain the requirements that the agricultural operation be the primary income; and
  - b. Require applicants to submit an agricultural promotion plan.
2. **Hosted Rentals:** Allow Hosted Rentals within the Land Intensive Agriculture (LIA) District
3. **Vacation Rentals:** Do not allow new vacation rental permits within LIA (no General Plan amendment). Allow existing permitted vacation rental permits to continue until expiration on sale or transfer.
4. **Marketing Accommodations:** The Commission agreed that standards for marketing accommodations were needed, but did not agree on whether they should be allowed for transient use due to concerns of adding more commercial activity in agricultural areas. The Commission asked staff to revise standards for marketing accommodations and to provide information on the location of existing accommodations, how they are currently operated, and additional policy options for consideration.

### Marketing Accommodations

Marketing Accommodations have been allowed since 1993 and currently cannot be leased or rented for commercial use. They are not currently subject to the Transient Occupancy Tax (TOT). They were intended primarily for use as overnight accommodations for distributors, investors or other industry representatives. Due to the increasing trends in agriculture to provide direct-to-consumer marketing and promotional activities, staff has recommended expanding opportunities for the marketing



accommodations to be rented for agri-tourism use similar to farmstays. Farmstays and marketing accommodations are distinctly different because farmstays are allowed as part of single family dwellings whereas marketing accommodations were envisioned to be more similar to a hotel room with no kitchen or resident on site.

Before the farmstay ordinance was adopted several marketing accommodations were permitted with kitchens either as a conversion of an existing dwelling or as new units. The question has been raised as to whether we need two separate land use categories for these similar uses. Currently, marketing accommodations require a use permit and do not require a single family dwelling. Farmstays require a lower level zoning permit but do require an existing single family dwelling with the famer in residence. There may be situations where a winery could apply for a farmstay permit to serve the same goal as the marketing accommodation but based on staff research there are very few examples. Staff recommends retaining these as two separate land uses but this issue could be explored further as part of the upcoming General Plan Update.

On July 30<sup>th</sup> a memo (Attachment A) was emailed to the Commission reflecting the list of currently permitted Marketing Accommodations with some details of their approvals.

### **Enforcement (Web-scrape)**

Code Enforcement recently did a “web-scrape” to identify properties operating short-term rentals without permits. This data was reviewed against our permitted winery database and revealed 49 winery properties operating short term rentals, of which only 27 have vacation rental permits and 22 with no permits. None of the rentals in website advertising were related to permitted marketing accommodations. However, staff is aware that some wineries use them as part of their wine club promotions.

**Table 1: Transient Rental Advertised on Winery Properties**

<b>Number of Winery Properties</b>	<b>Status</b>	<b>Notes</b>
22	No Vacation Rental Permit	14 are registered and paying TOT
13	Vacation Rental Permitted	Same Owner as Winery
14	Vacation Rental Permitted	Different Owner than Winery

### **Other Jurisdictions**

The marketing accommodation is somewhat unique to Sonoma County. Staff has not found any other counties that allows overnight accommodations as part of winery use. Staff researched the following jurisdictions: Santa Barbara County, Monterey County, City of Lodi, County of Napa, and the County of Mendocino.



## Outreach

Staff has discussed the proposed amendments with winery representatives, tourism/real-estate organizations and the California Alliance with Family Farmers (CAFF). Winery associations feel strongly that the marketing accommodation use should be maintained for private use and would like them to be allowed with a more permissive zoning permit, similar to vacation rentals and farmstays. CAFF does not want to see them available for transient rental. Tourism and real-estate organizations want maximum flexibility.

## Policy Options

The following policy options are provided to the Commission:

### 1. Do Not Allow New Marketing Accommodations

- a. The existing marketing accommodation language would be removed from the zoning code and replaced with broader opportunities for farmstays and hosted rentals. The farmstay and hosted rental opportunities may provide the same ability to promote agricultural products.
- b. Existing marketing accommodations would be considered legal-nonconforming and allowed to continue until they cease operating for a year.

### 2. Allow Marketing Accommodations To Be Rented For Commercial Purposes

- a. Allow transient use subject to the Transient Occupancy Tax (TOT) which would allow marketing accommodations to be used as part of wine club promotions.
- b. Continue to limit to private use and not rent the accommodations commercially.

### 3. Revise and Add Standards For Marketing Accommodations

- a. Limit the size of the accommodations to 640 square feet and restrict to no more than two per winery/processing use.
- b. Do not allow kitchens within the accommodations (these would not count towards residential density).
- c. Restrict conversions of affordable housing units and temporary housing to marketing accommodations.
- d. Do not allow marketing accommodations in addition to other overnight accommodations including farmstays, hosted rentals, or vacation rentals.

## Staff Recommendation:

Staff recommends options 2 and 3. Continue to allow marketing accommodations with a use permit, allow them to be rented for transient use, and add standards provided in Attachment D. If the Commission would like to restrict marketing accommodations from being rented for transient use, alternative standards are provided in Attachment E.

## Attachments:

Attachment A: Marketing Accommodations Memo dated July 20, 2018



**Sonoma County Permit and Resource Management Department**  
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



Attachment B: Revised Planning Commission Resolution  
Attachment C: Revised Draft Ordinance  
Exhibit A: Farmstay Zoning Code Amendments  
Attachment D: Standards allowing transient use (staff recommended)  
Attachment E: Alternative Standards- no transient use (alternative option)  
Attachment F: Public Comments Received



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MEMO

DATE: July 20, 2018

TO: Sonoma County Planning Commission

FROM: Amy Lyle, Supervising Planner

SUBJECT: Marketing Accommodations as it relates to PLP16-0011  
(Farmstays, Hosted Rentals, Marketing  
Accommodations in Agricultural Zones)

In follow up to the July 12<sup>th</sup> Planning Commission hearing, Commissioner Kelley requested a list of the known Marketing Accommodations referenced within the staff report (see below). More research is being conducted to determine how many other marketing accommodations are operating, how they function, and potential policy options for revised standards. Please expect an additional memo prior to the August 30<sup>th</sup> Planning Commission date.

**Table 1: Table of Marketing Accommodations Approved with Winery Use Permits**

Winery	Address	Use Permit	Details
David Coffaro Winery	7485 Dry Creek Rd	UPE99-0031	SFD attached with kitchen
La Crema	3575 Slusser Rd	UPE13-0087	Located on top floor of Barn, with kitchen
West Wines	1000 Dry Creek Rd	UPE06-0099	SDF with Kitchen
Unti Vineyards	4202 Dry Creek Rd	UPE02-0039	No Kitchen
Nicholson Ranch Winery	4200 Napa Rd	UPE00-0152	Attached, no kitchen
Blue Rock Vineyard	24511 Rich Ranch Rd	UPE11-0099	Converted barn with marketing accommodation with catering kitchen
Palm Drive Vineyards/Scribe Winery	2100 Denmark St	PLP09-0010	SFD with Kitchen
Inman Family Wines	3900 Piner Rd	PLP08-0075	SFD with Kitchen
Schug Carneros Estate Winery	602 Bonneau Rd	PLP14-0012	Attached, second floor with no kitchen
Soda Rock Winery	8015 Hwy 128	UPE01-0048	2 rooms, one with kitchenette
Trattore Winery	7878 Dry Creek Rd	UPE11-0014	Attached, above tasting room with kitchen
Jack Seifrick	8500 Dry Creek Rd	PLP12-0020	2 marketing accommodations, No Kitchen, 347-370 sq ft in size
Old Sonoma Distillery	21511 Geyser Vista Ln	PLP12-0040	SFD with Kitchen
Silver Oak Wine Cellars	7370 Hwy 128	PLP14-0004	Request to become residence in 2015 denied
Anaba Wines	60 Bonneau Rd	PLP16-0081	Catering kitchen

Resolution Number

County of Sonoma  
Santa Rosa, California

September 6, 2018  
PLP16-0011                      Amy Lyle

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF  
SONOMA, STATE OF CALIFORNIA, RECOMMENDING ADOPTION OF  
AMENDMENTS TO CHAPTER 26 OF THE SONOMA COUNTY CODE,  
TO ALLOW HOSTED RENTALS IN THE LAND INTENSIVE  
AGRICULTURE ZONING DISTRICT, REVISE COUNTYWIDE  
STANDARDS FOR AGRICULTURAL FARMSTAYS, ADD STANDARDS  
FOR MARKETING ACCOMMODATIONS

WHEREAS, Sonoma County General Plan policies prohibit most visitor-serving uses within the Land Intensive Agriculture (LIA) land use in order to protect prime agricultural land and preserve these areas for agricultural operations; and

WHEREAS, maximizing agricultural land preservation is necessary not only to maintain the local agricultural economy but also to ensure production of adequate, healthful, and nutritious food for residents of the county, state, and nation; and

WHEREAS, visitor serving accommodations such as farmstays and marketing accommodations, which provide a connection to the agricultural use on-site, are already allowed within the LIA zoning district; and

WHEREAS, on January 31, 2012, the Board of Supervisors adopted standards and permit requirements for agricultural farmstays; and

WHEREAS, on January 31, 2012, the Board also adopted an exception ordinance allowing vacation rental permits to be issued for a two-year period for parcels in LIA zoning districts to legalize existing uses that did not qualify for farmstays. The Board also directed staff to evaluate existing policy for consideration of vacation rentals within the LIA on a permanent basis; and

WHEREAS, on April 15, 2014, the Board of Supervisors adopted Ordinance No. 6063 to extend the allowance for vacation rentals in the LIA for an additional two years, expiring on April 15, 2016; and

WHEREAS, on March 15, 2016, the Board of Supervisors adopted revisions to the existing Vacation Rental Ordinance, along with "hosted rentals," previously known as a "one-room bed and breakfast inn;" and

WHEREAS, on December 13, 2011, by Resolution Number 11-0678, the Sonoma County Board of Supervisors adopted updated Uniform Rules for Agricultural Preserves and Farmland Security Zones ("Uniform Rules") to govern local administration of the County's agricultural preserve program;

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held public hearings on July 12<sup>th</sup> and September 6th, 2018, at which time the Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed legislation. All interested persons were given an opportunity to hear and be heard regarding the proposal; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the proposal; and

WHEREAS, it is the determination of the Department that the adoption of the proposed regulations is exempt from the California Environmental Quality Act (CEQA) pursuant to Cal. Code Regulations, title 14 §§ 15301 (Existing Facilities), 15305 (minor alterations in land use limitations) and 15061(b)(3) (exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment). Implementation of the regulations does not increase residential density or the intensity of use as the standards adopted herein are consistent with otherwise

allowable agricultural and residential uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does make the following findings:

1. The proposed amendments to the Zoning Code exempt from CEQA review under the CEQA Guidelines Section 15301 (Existing Facilities), Section 15305 (Minor Alterations) and Section 15061(b)(3) (exempting activities where it can be seen with certainty that that there is no possibility that the activity may have an adverse effect on the environment).
2. The proposed amendments to the Zoning Code are consistent and compatible with the Agriculture Resources Element of the Sonoma County General Plan for the following reasons:
  - a. The proposed amendments allow only uses that are directly related to agriculture consistent with General Plan goals, objectives, and policies and specifically within the Agricultural Resources Element and set forth in Objective AR-2.4; and
  - b. The farmstay, hosted rentals, and marketing accommodations are visitor serving uses that are directly related to and support agricultural operations as set forth in Policy AR-4a; and
  - c. The farmstays and hosted rentals further help to stabilize farm incomes and reduce economic pressures to convert agricultural land to non-agricultural use set forth in Objective AR-2.4; and
  - d. The amendments promote agricultural production of products grown or processed in the County as set forth in Policy AR-6a; and
  - e. The amendments are consistent with the guidelines for approval of visitor serving uses in agricultural areas as set forth in Policy AR-6d.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to Chapter 26 of the Sonoma County Code.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:      Noes:      Absent:      Abstain:

WHEREUPON, the Chairman declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

**ORDINANCE NO.**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA,  
STATE OF CALIFORNIA, AMENDING CHAPTER 26 (ZONING ORDINANCE) OF THE  
SONOMA COUNTY CODE TO ALLOW HOSTED RENTALS WITHIN LAND INTENSIVE  
AGRICULTURE ZONING DISTRICTS, REVISE STANDARDS RELATED TO FARMSTAYS,  
AND CODIFY STANDARDS FOR MARKETING ACCOMMODATIONS IN AGRICULTURAL  
ZONING DISTRICTS**

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**SECTION I.** Existing Section 26-88-085 (Agricultural Farmstays) is amended to delete the current text in its entirety and add new text as set forth in Exhibit A.

**SECTION II.** New Section 26-88-086 (Marketing Accommodations) is added to read as set forth in Exhibit B.

**SECTION III.** Section 26-04-010 (LIA Land Intensive Agriculture—Permitted Uses) is amended to add the following new subsection:

- (p) Hosted rentals subject to issuance of a zoning permit in compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns),

**SECTION V.** Section 26-08-020 (DA Diverse Agriculture – Uses permitted with a use permit) is amended to replace the existing text of subsection (k) to read as follows:

- (k) Marketing Accommodations in compliance with Section 26-88-086;

**SECTION IV.** Sonoma County Code Section 26-04-020 (LIA Land Intensive Agriculture—Uses permitted with a use permit) is amended to replace the existing text of subsection (j) to read as follows:

- (j) Marketing Accommodations in compliance with Section 26-88-086;

**SECTION V.** Sonoma County Code Section 26-06-020 (LEA Land Extensive Agriculture—Uses permitted with a use permit) is amended to replace the existing text of subsection (k) to read as follows:

- (k) Marketing Accommodations in compliance with Section 26-88-086;

**SECTION VI.** Exhibits A and B are incorporated herein by reference.

**SECTION VII.** The Board of Supervisors hereby finds and declares that the project is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, title 14, Section 15301 (existing facilities), Section 15305 (minor alterations in land use limitations) and 15061(b)(3) exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment.

**SECTION VIII.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION IX.** This Ordinance shall be and the same is hereby declared to be in full force and effect on and after thirty (30) days after the date of its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

**SECTION X.** In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted



this \_\_\_\_ day of \_\_\_\_, 2018, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin: \_\_\_\_ Rabbitt: \_\_\_\_ Zane: \_\_\_\_ Hopkins: \_\_\_\_ Gore: \_\_\_\_

Ayes: \_\_\_\_ Noes: \_\_\_\_ Absent: \_\_\_\_ Abstain: \_\_\_\_

**WHEREUPON**, the Chair declared the above and foregoing ordinance duly adopted and

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

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Sheryl Bratton  
Clerk of the Board of Supervisors

**Article 88. - General Exceptions and Special Use Standards.**

**Sec. 26-88-085. – Agricultural farmstays**

(a) Agricultural farmstays shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a zoning permit. The ~~term of the~~ zoning permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and farmstay.

**(b) Performance Standards.**

(1) Where Allowed. Agricultural farmstays shall **only** be located on **parcels and be part of an agricultural enterprise** that produces **commercial** agricultural products as its primary source of income. The agricultural farmstay lodging and meals shall be incidental **and secondary** to the primary agricultural operation.

(2) Dwellings Allowed. Agricultural farmstays shall be provided in **a legally established the primary** residence or guest house **as defined in Section 26-02-040 on the property. Agricultural farmstays , and not shall not be located within** agricultural employee housing, seasonal or year-round farmworker housing, farm family dwellings, or **accessory second** dwelling units. Tents and recreational vehicles (~~R~~RVs) are not allowed as a part of an agricultural farmstay. **Only one (1) farmstay is allowed per agricultural enterprise in compliance with the permitted residential density.**

(3) Owner/Operator in Residence. The owner, ~~or tenant farmer,~~ of the land on which an agricultural farmstay facility is located, **or a tenant farmer,** shall reside on the property. A homeowner's exemption from property tax or lease agreement ~~shall~~ **may** constitute evidence of this requirement.

(4) Maximum Number of Bedrooms and Guests. Agricultural farmstay **establishments** may have a maximum of five (5) ~~guest~~ bedrooms or sleeping rooms. The maximum overnight occupancy for agricultural farmstays shall be two (2) persons per sleeping room or bedroom. ~~(except e~~Children under three (3) years of age **shall not be counted toward occupancy.**) If a lower limit is stated on the **applicable** septic permit, the maximum overnight occupancy shall be that stated on the septic permit.

(5) Food Service. An agricultural farmstay facility may serve food **or meals at any time, but** only to registered guests. ~~and may serve meals at any time.~~ The price of food shall be included in the price of the lodging. An agricultural farmstay facility **that serves food** shall maintain a food facility permit as required by the Health and Safety Code.

(6) Agricultural Promotion. The operator of the farmstay establishment shall engage in a program of agricultural promotion and guest education regarding the agricultural activities on-site and in the area, ~~which and~~ may include active participation in the on-site agricultural activities as part of the consideration for the lodging. **An Agricultural Promotion Plan shall be prepared and submitted with the farmstay application.**

(7) Noise Limits. All activities associated with the agricultural farmstay shall meet the ~~General Plan noise~~ standards contained ~~below~~ **in Table NE-2 and Policy NE-1c of the General Plan Noise Element.**

Hourly Noise Metric <sup>1</sup>	dBA Activity Hours	Quiet Hours
<del>L50 (30 minutes in any hour)</del>	50	45
<del>L25 (15 minutes in any hour)</del>	55	50
<del>L08 (5 minutes in any hour)</del>	60	55
<del>L02 (1 minute in any hour)</del>	65	60

~~The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded fifty percent (50%) of the time or thirty (30) minutes in any hour; this is the median noise level. The L02 is the sound level exceeded one (1) minute in any hour.~~

(8) ~~Special~~-Events. Non-agricultural activities, ~~or agricultural promotional events and~~ **cultural** ~~special~~-events that involve more than the registered **farmstay** guests are not allowed, except that occasional cultural ~~or special~~-events, **such as** parties, weddings or other similar activities may be permitted ~~only~~ with a ~~special cultural~~ event zoning permit up to four (4) times per year, **but for no more than two years in a row.**

(9) Septic Systems and Sewer Connections. The owner shall maintain a properly functioning **and suitably sized** septic system or sewer connection **for the farmstay.** ~~.-~~ In some cases, a per-room sewer fee may be applied.

(10) Transient Occupancy Tax. The agricultural farmstay owner shall maintain a transient occupancy tax **(TOT)** license and remain current on all required **TOT** reports and payments. **The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.**

**Article 88. - General Exceptions and Special Use Standards.**

**Sec. 26-88-086. Marketing Accommodations**

- (a) **Purpose.** This section provides standards for permitting of marketing accommodations for use by distributors, investors, partners and owners of the processing facility for short term occupancy related to the agricultural operation. These standards are intended to ensure that marketing accommodations are compatible with and do not adversely impact surrounding agricultural uses.
- (b) **Applicability.** Marketing Accommodations shall only be located on parcels where the use promotes or markets agricultural products processed on the site and complies with applicable policies of the General Plan Agricultural Resource Element. Marketing accommodations shall not be permitted within accessory dwelling units, or in structures with County covenants or agreements restricting their use including, but not limited to, affordable housing units, agricultural employee units, farmworker housing, or farm family units.
- (c) **Where Allowed.** Marketing accommodations are allowed in agricultural and resource zones and not allowed on properties where another visitor serving use is present, including hosted rentals, farmstays, or vacation rentals.
- (d) **Maximum Number of Units.** No more than two marketing accommodation units are allowed per winery operation or processing operation. Each marketing accommodation shall not exceed 640 square feet in size and shall not include a kitchen.
- (e) **Performance Standards**
  - (1) **Noise Limits.** All activities associated with the marketing accommodation shall meet the standards contained in Table NE-2 and Policy NE-1c of the General Plan Noise Element.
  - (2) **Transient Occupancy Tax.** The property owner or authorized agent shall maintain a transient occupancy tax (TOT) certificate and remain current on all required TOT reports and payments. The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.
  - (3) **Structures.** Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
  - (4) **Affordable Housing.** Marketing accommodations shall not be permitted within accessory dwelling units, nor in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, or farmworker housing.
  - (5) **Temporary Structures Prohibited.** Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
  - (6) **Williamson Act.** Any such use on a parcel under a Williamson Act contract must establish that the marketing accommodation is consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.

**Article 88. - General Exceptions and Special Use Standards.**

**Sec. 26-88-086. Marketing Accommodations**

- (a) Purpose. This section provides standards for permitting of **private** marketing accommodations for use by distributors, investors, partners and owners of the processing facility for short term occupancy related to the agricultural operation. These standards are intended to ensure that marketing accommodations are compatible with and do not adversely impact surrounding agricultural uses.
- (b) Applicability. Marketing Accommodations shall only be located on parcels where the use promotes or markets agricultural products processed on the site and complies with applicable policies of the General Plan Agricultural Resource Element. Marketing accommodations shall not be permitted within accessory dwelling units, or in structures with County covenants or agreements restricting their use including, but not limited to, affordable housing units, agricultural employee units, farmworker housing, or farm family units.
- (c) Where Allowed. Marketing accommodations are allowed in agricultural and resource zones and are not allowed on properties where another visitor serving use is present, including hosted rentals, farmstays, or vacation rentals.
- (d) Maximum Number of Units. No more than two marketing accommodation units are allowed per winery operation or processing operation. Each marketing accommodation shall not exceed 640 square feet in size and shall not include a kitchen.
- (e) Performance Standards
  - (1) No Commercial Use. Marketing accommodations shall not be rented for transient occupancy or used commercially as part of direct consumer promotions.**
  - (2) Noise Limits. All activities associated with the marketing accommodation shall meet the standards contained in Table NE-2 and Policy NE-1c of the General Plan Noise Element.
  - (3) Structures. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
  - (4) Affordable Housing. Marketing accommodations shall not be permitted within accessory dwelling units, nor in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, or farmworker housing.
  - (5) Temporary Structures Prohibited. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
  - (6) Williamson Act. Any such use on a parcel under a Williamson Act contract must establish that the marketing accommodation is consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.

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**From:** Michael Haney [mailto:michael@sonomawine.com]  
**Sent:** July 30, 2018 5:02 PM  
**To:** Jennifer Barrett <Jennifer.Barrett@sonoma-county.org>  
**Subject:** Marketing Accommodations

Good Afternoon Jennifer:

Hope you had a great weekend.

I wanted to follow up on our call of last week regarding Market Accommodations and the recent activity surrounding this issue from the Planning Commission.

As we discussed, it is our understanding that Permit Sonoma proposed a revision of marketing accommodations to allow transient rental with payment of TOT fees.

However, the proposed revision of marketing accommodations was rejected and Permit Sonoma staff was directed to return the marketing accommodations portion on August 30th to the Commission for additional actions, including possible termination. Also, based on our conversation it is my understanding the justification for any consideration of modification or termination of market accommodations was to “prevent the over commercialization of agriculture land” and that according to some Commissioners, farm stays fulfilled market needs and that marketing accommodations have been in some manner a problem for the county.

As we discussed, this revised use of marketing accommodations was not requested by our wine community, nor were we even aware of this proposed change being discussed. Additionally, we are not aware of any problem marketing accommodations.

It is important to realize that marketing accommodations have always, and continue to fulfill, an important and critical role to our wineries sales, marketing programs and business plans of which

farm stays or hosted rentals cannot address or replace. It is essential that these marketing accommodation remain in place for our wine community in order to continue to assist and facilitate wine sales, trade communications and support, and related trade areas. In addition, I believe it is important and beneficial to all parties involved that Sonoma County Vintners and industry representatives have the opportunity to provide input to staff and to any alternatives being developed to be presented to the Planning Commission, especially if the proposal to cease marketing accommodation is under consideration.

Also I appreciate during our conversation last week you did clarify that the staff would not be recommending that market stays be eliminated.

In order to assist in providing additional information and potential options for Commission action, we would like to offer the following options:

Option one is staff to recommend for the Planning Commission to take no action and leave the current regulations unchanged. County regulations are sufficient.

Option two, if there is a desire to change/improve regulations, the change should consist of relaxing the review and approval process to allow marketing accommodations to be permitted under a zoning permit. Currently it is our understanding that vacation rentals and farm stays are approved under a zoning permit. Marketing Accommodations require a Conditional Use Permit, or use permit modification. Allowing Marketing Accommodation to be reviewed and approved under a zoning permit is another requested course of action and we request this option also be provided as an alternative option at the August 30th Planning Commission meeting.

As always, I and Sonoma County Vintners are available to meet and discuss this, and any additional issues, with you and Permit Sonoma staff. As we have stated before, it is our goal to increase effective communication and partnerships with our County neighbors and County officials. We are happy to be of assistance to you and Permit Sonoma and provide any additional input and information we can.

Jennifer I appreciate all your time and willingness to discuss this and potentially other issues with me and I look forward to doing whatever I and Sonoma County Vintners can do to assist Permit Sonoma and our County in moving forward and making our County, the best it can be.

Thank you again Jennifer for your time.  
Mike

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